

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

DENNIS BOWERS  
460-F Sterling Hill Dr.  
Findlay, Ohio 45840

Plaintiff,

V.

MERRICK BANK CORPORATION,  
P.O. Box 5000  
Draper, Utah 84127

Defendant.

Case No 3:15-cv-103

JURY DEMAND ENDORSED HEREON

# CIVIL COMPLAINT

## (Unlawful Debt Collection Practices)

DENNIS BOWERS (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against MERRICK BANK CORPORATION (Defendant):

## INTRODUCTION

1. Plaintiff's Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).

## JURISDICTION AND VENUE

2. Jurisdiction of this Court over Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331.

3. Because Defendant conducts business in the State of Ohio, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person who resides in Findlay, Ohio.

6. Plaintiff is informed, believes, and thereon alleges, that Defendant is a national

company with a business office in Draper, Utah.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

8. In or around 2014, Defendant began constantly and consistently placing telephone calls to plaintiff in an attempt to collect a debt an alleged debt.

9. Defendant places telephone calls to Plaintiff on Plaintiff's cellular telephone at 419-957-27XX.

10. Defendant places telephone calls from numbers including, but not limited to, 800-599-2346.

11. Based upon the timing and frequency of Defendant's calls and per its prior business practices, each collection call placed by Defendant to Plaintiff was placed using an automatic telephone dialing system.

12. On or around November 2, 2014, Plaintiff called Defendant and spoke to Defendant's representative.

13. During the course of the telephone conversation on or around November 2, 2014, Plaintiff requested that Defendant cease placing calls to his cellular telephone.

14. Plaintiff revoked any consent, either explicitly or implicitly, to receive automated telephone calls from Defendant on his cellular telephone on or around November 2, 2014.

15. In a letter sent to Defendant dated November 2, 2014, Plaintiff again requested that Defendant cease placing collection calls to his cellular telephone.

16. Despite Plaintiff's oral and written requests to cease, Defendant placed at least one hundred and eighteen (118) collection calls to Plaintiff.

**COUNT I**  
**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

17. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).
18. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

19. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
20. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
21. All court costs, witness fees and other fees incurred; and
22. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, DENNIS BOWERS, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

/s/ David Tannehill  
David Tannehill  
Ohio Registration No. 0083968  
Krohn & Moss, Ltd.  
8043 Corporate Circle, Suite 3  
North Royalton, Ohio 44133  
phone: (216) 901-0609 x 203  
fax: (866) 425-3459  
dtannehill@consumerlawcenter.com